

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

DISPOSITION: October 30, 1951. Default decree of condemnation. The court ordered that the product be sold to the highest bidder, conditioned that the product be so rendered as not to be fit for human consumption, and that it be used solely for nonhuman consumption.

17972. Adulteration and misbranding of canned herring roe. U. S. v. 13 Cases
* * * (and 2 other seizure actions). (F. D. C. Nos. 31027, 31028, 31224. Sample Nos. 909-L, 24868-L, 24870-L.)

LIBELS FILED: May 4 and June 28, 1951, Middle District of Pennsylvania and Western District of North Carolina.

ALLEGED SHIPMENT: On or about February 16 and 19 and March 23 and 30, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: Herring roe. 13 cases at Gettysburg, Pa., 10 cases at Hanover, Pa., and 27 cases at Monroe, N. C. Each case contained 24 15-ounce cans.

LABEL, IN PART: "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label designation "Herring Roe" was false and misleading.

DISPOSITION: July 30 and November 30, 1951. No claimant having appeared, judgments of condemnation were entered. The court ordered that the portion of the product which was seized at Monroe, N. C., be destroyed and that the other lots be distributed to charitable institutions.

17973. Adulteration and misbranding of canned herring roe. U. S. v. 21 Cases
* * *. (F. D. C. No. 31798. Sample No. 4362-L.)

LIBEL FILED: On or about October 16, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about June 22, 1951, by Cape King Fisheries, Inc., from New Bedford, Mass.

PRODUCT: 21 cases, each containing 24 15-ounce cans, of herring roe at Baltimore, Md.

LABEL, IN PART: (Can) "Cape King Herring Roe."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a roe other than herring roe had been substituted in whole or in part for herring roe.

Misbranding, Section 403 (a), the label designation "Herring Roe" was false and misleading as applied to an article which consisted of roe other than herring roe.

DISPOSITION: November 8, 1951. Default decree of condemnation. The court ordered that the product be delivered to a charitable institution for its use and not for sale.

17974. Adulteration of canned shrimp. U. S. v. 28 Cases * * * (and 2 other seizure actions). (F. D. C. Nos. 31472, 31473. Sample Nos. 21659-L to 21661-L, incl.)

LIBELS FILED: August 15, 1951, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about October 12, 1950, and January 3, 1951, from Boston, Mass. These were return shipments.

PRODUCT: Canned shrimp. 31 cases, each containing 48 cans, and 23 cases, each containing 24 cans, at New Orleans, La.

LABEL, IN PART: (Can) "Tri-More Brand Drained Weight 5 Ozs Wet Pack Small Shrimp."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed shrimp, and it was otherwise unfit for food by reason of the presence of grayish colored shrimp with a metallic taste.

DISPOSITION: September 19, 1951. Default decrees of condemnation and destruction.

17975. Adulteration of frozen breaded shrimp. U. S. v. 339 Cases * * *.
(F. D. C. No. 31056. Sample No. 17757-L.)

LIBEL FILED: April 18, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about March 12, 1951, by the McKown-Liston Packing Co., from Nogales, Ariz.

PRODUCT: 339 cases, each containing 24 12-ounce packages, of frozen breaded shrimp at Los Angeles, Calif. Examination disclosed that the product consisted of peeled shrimp, which was coated with insect-infested corn meal, and a cellophane bag of powdered batter mix.

LABEL, IN PART: "Liston Shrimp Dinner Quick Frozen Jumbo Shrimp With Special Batter Mix."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect-infested corn meal.

DISPOSITION: May 14, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The shrimp were thawed and washed, thus removing the contaminated corn meal, and they then were rebreaded, repackaged, and refrozen. These operations resulted in the salvage of 299¹⁰/₂₄ cases of the shrimp.

FRUITS AND VEGETABLES

CANNED FRUIT

17976. Misbranding of canned peaches. U. S. v. 83 Cases * * *. (F. D. C. No. 31781. Sample No. 21858-L.)

LIBEL FILED: October 22, 1951, Northern District of Texas.

ALLEGED SHIPMENT: On or about July 28, 1951, by the Monticello Canning Co., from Monticello, Ga.

PRODUCT: 83 cases, each containing 24 1-pound, 13-ounce cans, of peaches at Dallas, Tex.

LABEL, IN PART: (Can) "Betty Ann Yellow Freestone Peaches Halves In Heavy Syrup."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned peaches since the article failed to meet the test for tenderness prescribed in the standard; the weight of the